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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/701,782

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Juergen Lauterjung

4100-0120P

8137

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7590

06/21/2005

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EXAMINER

CHANG, EDITH M

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/701,782

Applicant(s)

LAUTERJUNG ET AL.

Examiner

Edith M. Chang

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20041201</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments/Remarks

1. Applicant's arguments, see pages 7-9, filed on December 01, 2004, with respect to the claims 1-4 have been fully considered and are persuasive. The U.S.C. 103(a) rejection of claims 1-4 has been withdrawn.

Claim Objections

2. Claims 1-7 are objected to because of the following informalities:

Claim 1, lines 6 & 8: "each carrier" is suggested changing to "each individual carrier". Claim 2, line 3: "the I/Q-values" is suggested changing to "the demodulated I/Q-values". Claim 6, line 12: "the weights" is suggested changing to "the weighting factors"; line 14: "adding together each of the I/Q values" is suggested changing to "adding together each of the weighed I/Q values"; line 16: "added I/Q" is suggested changing to "added weighted I/Q values"; line 17: "the signal to noise ratio" is suggested changing to "the signal to noise ratio of the received OFDM signals".

Claims 3-4 and 7 are dependent on the objected claim 1 and 6. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5 provide for the use/process for processing OFDM-signals received by a multi-antenna system, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

Claim 1, lines 4, 6 & 10-11: "the OFDM-signal" lacks antecedent basis; line 10: "the OFDM-demodulator" lacks antecedent basis; line 13: "the weights" lacks antecedent basis.

Claim 2, line 2: "the demodulator" and line 3: "the individual receiving channels" lack antecedent bases.

Claim 4: line 2: "The process according to claim 1, wherein data words", the "data words" does not indicated in the claim 1.

Allowable Subject Matter

5. Claims 1-5 would be allowable if rewritten to overcome the rejection(s) under 35 U. S. C. 112, 2nd paragraph and the objections, set forth in this Office action. 6. Claims 6 and 7 would be allowable if rewritten or amended to overcome the objection(s) set forth in this Office action.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest, alone or in a combination, among other things, at least a method for receiving and processing OFDM signals as a whole, the combination of elements and features, which includes weighting each of I/Q values for each of demodulated OFDM signals by a corresponding weighting factor; adding each of the I/Q values for each of demodulated OFDM signals and dividing the added I/Q values by the sum of the weighting factors of each of the weighted I/Q values.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The reference of Armbruster et al. describes the method and circuit arrangement for error corrections of OFDM signal.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang

June 3, 2005


BETSY L. DEPPE
PRIMARY EXAMINER